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Date:

October 21, 2004

By:

William F. Gadiano, Reg. No. 37,138

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Steven M. BESSETTE et al.

Atty. Ref.: 4380-153; Confirmation No. 1902

Appl. No. 10/770,386

TC/A.U. 1654

Filed: February 4, 2004

Examiner: LEITH, Patricia A.

For: CANCER TREATMENT COMPOSITION AND METHOD FOR USING NATURAL
PLANT ESSENTIAL OILS WITH SIGNAL TRANSDUCTION MODULATORS

* * * * *

Commissioner for Patents

Mail Stop Restriction/Species Election Requirement

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the non-final Office Action dated September 22, 2004, setting forth an Election of Species Requirement, Applicant hereby elects 1) forskolin and 2) eugenol, upon which it is believed that at least claims 15-18 and 29-42 are generic. The species election is made without traverse to extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims.

Steven M. BESSETTE et al.
Appl. No. 10/770,386

Atty. Docket No. 4380-153

If any issues remain outstanding or if an Examiner's amendment could be made to expedite prosecution, then Applicant respectfully invites the Examiner to contact the undersigned representative at the telephone number listed below.

Please grant any extension(s) of time deemed necessary for entry of this communication. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. 14-1140.

NIXON & VANDERHYE P.C.

Date: October 21, 2004By: 

Willem F. Gadiano
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Date: October 20, 2004By: 
Willem F. Gadiano, Reg. No. 37,136